



The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

June 28, 2004

**LETTER OF DEFICIENCY #WSEB 04-083**  
CERTIFIED MAIL 7000 0600 0023 9933 8415

Arthur Hedberg  
LVPO Associates Inc.  
PO Box 744  
Center Ossipee, NH 03814

Subject: Effingham Public Water System: Lost Valley (EPA #0732030)

Dear Mr. Hedberg:

The records of the Department of Environmental Services (DES) show that the Lost Valley water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. The water system owner is required to submit chemical samples according to the system's established sampling schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

**CHEMICAL MONITORING/REPORTING**

DES records show that the subject water system failed to submit nitrate and fluoride samples for the fourth quarter of 2003 (Q4-03) and as a result Monitoring/Reporting violations were issued. The Notice of Violation (NOV), dated February 20, 2004, requested that "make-up" nitrate and fluoride samples be submitted and public notice of the monitoring violations be performed. A copy of the February NOV is enclosed.

DES acknowledges receipt of the make-up nitrate and fluoride sample results. DES records, however, indicate that proof of public notice for the Q4-03 Monitoring/Reporting violations has not been submitted, as required by Env-Ws 351.01. The failure to submit proof of public notice caused another NOV, dated April 12, 2004, to be issued to the water system. This NOV again requested that public notice of the Q4-03 Monitoring/Reporting violations be performed and proof of public notice be sent to DES. A copy of the April 12, 2004, NOV is also enclosed for your review. To date, no proof of public notice has been received by DES, thus placing the water system in violation of Env-Ws 351.01.

**FLUORIDE PUBLIC NOTICE**

DES records show that the water system's fluoride sample submitted on March 3, 2004 (as the "make-up for the above mentioned Q4-03 fluoride violation"), showed a fluoride level 2.69 mg/L. This level is greater than the secondary maximum contaminant level (SMCL) of 2.0 mg/L. Pursuant to Env-Ws 359, owners of public water systems are required to issue public notification when a system has exceeded the SMCL for fluoride. Notice of this requirement was sent to you by DES in a letter dated April 28, 2004. A

copy of this letter is also enclosed for your review. Enclosed with the referenced letter was a public notice template that noted the requirement that public notice be performed within 30 days of receipt of the letter. To date, no proof of public notice has been received by DES, thus placing the water system in violation of Env-Ws 359.

DES believes the public notice violations can be corrected by taking the following actions:

- By July 16, 2004**, carry out the public notice requirements for the Fourth Quarter 2003 nitrate and fluoride sampling violations and the fluoride SMCL exceedance in accordance with the instructions on the enclosed public notice templates; and
2. **By July 26, 2004**, provide proof of public notice to DES in accordance with the instructions on the enclosed public notice templates.

In the event compliance is not achieved within the time periods indicated, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please continue to submit water samples according to the water system's Master Sampling Schedule, a copy of which is enclosed.

Please contact Anne Bailey by phone at (603) 271-0672 or by e-mail at [abailey@des.state.nh.us](mailto:abailey@des.state.nh.us) if you have any questions regarding this letter.

Sincerely,

**COPY**

Rene Pelletier, P.G., Manager  
Land Resource Programs

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Enclosures: M/R Notice of Violation dated February 20, 2004  
P/N Notice of Violation dated April 12, 2004  
Fluoride Public Notice Letter dated April 28, 2004  
Master Sampling Schedule  
Chemical Public Notice Forms

Gretchen R. Hamel, DES Legal Unit Administrator  
Jeanne Lawson, DES/WSEB  
Robert Winslow, Primary Operator (w/enclosures)  
Town of Effingham Health Officer  
EPA, Region 1